

OGC 76-1344

17 March 1976

Executive Registry

76-7469

MEMORANDUM FOR: Director of Central Intelligence

FROM: John S. Warner
General Counsel

SUBJECT: Propriety of the Director Receiving Honorariums
for Speaking Engagements

1. I understand that you would like answers to the following two questions:

a. May the Director accept any honorarium or expense allowance from a nonprofit group or other organizations that have invited him to speak; and,

b. may the Director accept an honorarium for delivering a lecture if he donates the amount to charity?

2. Executive Order 11222, 8 May 1965, governs standards of ethical conduct for Government officers and employees. Pursuant to that Executive Order the Civil Service Commission has issued regulations which prohibit the acceptance of honorariums or anything of monetary value for speaking engagements. The following is provided at 5 C.F.R. 735.203(c):

...In addition, an employee who is a Presidential appointee covered by section 401(a) of the (Executive) order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

3. Thus, it is clear that the Director, being a Presidential appointee, may not accept anything of monetary value for giving a lecture or talk, including reimbursement for travel expenses.

OGC Has Reviewed

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4. Whether the Director may accept an honorarium for delivering a talk if he intends to donate the amount to charity is, in fact, answered by the above. He is prohibited in the first place from receiving the honorarium. Further, Treasury Regulations also provide that, where an organization and a speaker reach agreement that the honorarium would be paid directly to a charitable organization, the amount so paid would constitute income to the person performing the services.

5. In summary, it is our opinion that the Director may not accept an honorarium directly and may not enter into an agreement that such a lecture or talk would be made with the understanding that a charitable donation would be made directly by the sponsoring organization. It should be noted that as a Presidential appointee, the Director occupies a special position and is more limited than an Agency employee would be in accepting compensation or travel expenses for a speaking engagement.

STATINTL

JOHN S. WARNER

cc: DDA

OGC: MJ: JSW: sin

Original - Addressee

1 - DDCI

1 - ER via Ex Secty

1 - OGC